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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,384	02/21/2002	Atsushi Misawa	Q68474	5012
23373	7590	08/01/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/078,384

Applicant(s)

MISAWA ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The substitute specification filed on 4/25/02 has been entered.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn et al. U.S. Patent Publication 2001/0050875.

Referring to claim 1, the Kahn reference discloses in Figures 1 and 3, a digital camera (10, see page 7, [0096]) capable of recording in a recording medium (device memory 16) an image captured through an image pickup element (photo-detector array 12), the digital camera comprising: a priority setting device (26, see page 7, [0103]) which sets priority of a captured image; and a recording device which records information indicative of the priority

set by the priority setting device in association with the captured image when the captured image is recorded (See page 8, [0113]-[0114]).

Referring to claim 3, the Kahn reference discloses further comprising a control device (processor 14, see page 7, [0104]-[0105]) which, if the recording medium has an insufficient recording capacity when a new image is captured, erases an image recorded in the recording medium with priority lower than the new image and records the new image in the recording medium (See page 8, [0114]).

Referring to claim 5, the Kahn reference discloses wherein the priority setting device (26) allows a user to select priority as shown in Figure 1 (See page 7, [0103]-[0105]).

Referring to claim 7, the Kahn reference discloses all subject matter as discussed with respected with same comments to claims 3 and 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. U.S. Patent Publication 2001/0050875 in view of Niikawa et al. U.S. Patent 6,834,130 and Sugitani J.P. Patent Publication 2001-045426.

Referring to claim 2, the Kahn reference discloses all subject matter as discussed with respect to claim 1, except the Kahn reference does not explicitly show the frame numbers associate with priority information in the recording device.

The Niikawa reference teaches in Figures 15-16, a digital camera comprising a recording device (memory card 8) for recoding a history data (See Col. 14, lines 36-63); the frame numbers are recorded in the 1st column of the history data table; and the ranks of image frames (as priority information for indicating importance of the image) are recorded in the 8th column of the history data table (See Col. 15, lines 30-40). The Niikawa reference is evidence that one of ordinary skill in the art at the time to see more advantages the frame numbers associate with priority information so that a desired image can be quickly retrieved and identify from recording device which contains a plurality of images (See Col. 1, lines 46-60). For that reason, it would have been obvious to one of ordinary skill in the art to modify the digital camera of Kahn ('875) by providing the frame numbers associate with priority information in the recording device as taught by Niikawa ('130).

However, the Kahn and Niikawa references do not explicitly show a frame number automatic correcting device which assigns frame numbers **in order of** priority by using the information indicative of the priority.

The Sugitani reference teaches in Figures 2-4, 7 and 8, a frame number automatic correcting device (image processing equipment for processing the images captured by camera) which assigns frame numbers (serves as an index, see Detailed Description [0045]) in order of priority (ranks, and 0,1,2, and 3 are given as a value of a rank) by using the information indicative of the priority (See Detailed Description [0055] – [0060]). The

Sugitani reference is evidence that one of ordinary skill in the art at the time to see more advantages a frame number automatic correcting device which assigns frame numbers **in order of** priority by using the information indicative of the priority so that a user can quickly and accurately grasp contents of a image through the automatic addition of an index to a position at which the user can easily confirm the contents of the image, and to provide a storage medium (See Abstract). For that reason, it would have been obvious to one of ordinary skill in the art to modify the digital camera of Kahn ('875) and Niikawa ('130) by providing a frame number automatic correcting device which assigns frame numbers **in order of** priority by using the information indicative of the priority as taught by Sugitani ('426).

Referring to claim 4, the Kahn, Niikawa and Sugitani references disclose all subject matter as discussed with respected with same comments to claims 2 and 3.

Referring to claim 6, the Kahn, Niikawa and Sugitani references disclose all subject matter as discussed with respected with same comments to claims 2 and 5.

Referring to claim 8, the Kahn, Niikawa and Sugitani references disclose all subject matter as discussed with respected with same comments to claims 2 and 7.

7. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. U.S. Patent Publication 2001/0050875 in view of Pfeiffer et al. U.S. Patent 5,146,592.

Referring to claim 9, the Kahn reference discloses all subject matter as discussed with respected to claim 1, and the Kahn reference discloses the priority setting device analyzes the captured image to determine increasing or decreasing the priority of the image (e.g., by

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image record age, viewed frequency or time of recording image, see page 8, [0018]).

However the Kahn reference does not explicitly show the priority setting device determines whether the captured image is damaged or not and automatically sets lower priority (decreasing the priority) than a normal image to a probably-damaged image.

The Pferiffer reference teaches in Figures 1 and 41, a camera system including the error detection circuit (105) analyzes the captured image to determine whether the captured image is damaged or not and automatically generate a detection of data other than image data (See Col. 71, lines 3-30). The Pferiffer reference is evidence that one of ordinary skill in the art at the time to see more advantages the camera system be able to analyze the captured image to determine whether the captured image is damaged or not so that avoiding the damaged image are misinterpreted by user (See Col. 71, line 25-30). For that reason, it would have been obvious to one of ordinary skill in the art to modify the digital camera of Kahn ('875) by providing the priority setting device to determine whether the captured image is damaged or not as taught by Pferiffer ('592) and automatically sets lower priority (decreasing the priority) than a normal image to a probably-damaged image (because the damaged image as a undesired image for user, and the controller can use algorithms to degrade or indeed delete the damaged image, see page 11, [0148]).

Referring to claim 11, the Kahn and Pferiffer references disclose all subject matter as discussed with respected with same comments to claims 3 and 9.

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8. Claims 10 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al.

U.S. Patent Publication 2001/0050875 in view of Pfeiffer et al. U.S. Patent 5,146,592, Niikawa et al. U.S. Patent 6,834,130 and Sugitani J.P. Patent Publication 2001-045426.

Referring to claim 10, the Kahn, Pfeiffer, Niikawa and Sugitani references disclose all subject matter as discussed with respected with same comments to claims 2 and 9.

Referring to claim 12, the Kahn, Pfeiffer, Niikawa and Sugitani references disclose all subject matter as discussed with respected with same comments to claims 2 and 11.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al.

U.S. Patent Publication 2001/0050875 in view of Pfeiffer et al. U.S. Patent 5,146,592 and Hicks U.S. Patent Publication 2002/0063901.

Referring to claim 13, the Kahn reference discloses in Figures 1 and 3, a digital camera (10, see page 7, [0096]) capable of recording in a recording medium (device memory 16) an image captured through an image pickup element (photo-detector array 12), the digital camera comprising: a device analyzes the captured image to determine increasing or decreasing the priority of the image (e.g., by image record age, viewed frequency or time of recording image, see page 8, [0018]). However the Kahn reference does not explicitly show the device determines whether the captured image is damaged or not.

The Pfeiffer reference teaches in Figures 1 and 41, a camera system including the error detection circuit (105) analyzes the captured image to determine whether the captured image is damaged or not and automatically generate a detection of data other than image data (See Col. 71, lines 3-30). The Pfeiffer reference is evidence that one of ordinary skill in the art at

the time to see more advantages the camera system be able to analyze the captured image to determine whether the captured image is damaged or not so that avoiding the damaged image are misinterpreted by user (See Col. 71, line 25-30). For that reason, it would have been obvious to one of ordinary skill in the art to modify the digital camera of Kahn ('875) by providing the priority setting device to determine whether the captured image is damaged or not as taught by Pferiffer ('592).

However, the Kahn and Pferiffer references do not explicitly show the device assigns identification information to a probably-damaged image.

The Hicks reference teaches in Figure 1, a image processing device assigns identification information to a probably-damaged image such as, blurred images, poor exposures images, or other fundamental defects images recorded in the storage media (59) (See page 5, lines 6-20). The Hicks reference is evidence that one of ordinary skill in the art at the time to see more advantages the camera system be able to assign identification information to a probably-damaged image so that those probably-damaged images can be marked for deletion from any further processing. For that reason, it would have been obvious to one of ordinary skill in the art to modify the digital camera of Kahn ('875) by assigning identification information to a probably-damaged image as taught by Hicks ('901).

Referring to claim 14, the Kahn, Pfeiffer and Hicks references disclose all subject matter as discussed with respected to claim 13, and the Kahn reference discloses if the recording if the recording medium has an insufficient recording capacity when a new image is captured, erases an image recorded in the recording medium with the identification information (See Hicks's reference page 5, lines 6-20) and records the new image in the recording medium

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(e.g., noted that the damaged image as a undesired image for user, and the controller can use algorithms to degrade or indeed delete the damaged image when the recoding device has insufficient space, see page 11, [0148]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Torres et al. U.S 6,608,650 discloses providing user assistance corresponding to the attribute to a user of a digital camera.
 - b. Ohsawa et al. U.S. 6,477,332 discloses a digital camera storing electronic image information related to identification information with identifies the image.
 - c. Fellegara et al. U.S. 5,845,166 discloses a hybrid camera generates automatically identification data.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is ~~703-872-9306~~.

571-273-8300

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
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July 27, 2005